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10/688,694	10/17/2003	Carl E. Altman	H0004484	2369

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Honeywell International Inc.
15801 Woods Edge Road
Colonial Heights, VA 23834

EXAMINER	
DANIELS, MATTHEW J	
ART UNIT	PAPER NUMBER
1732	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/688,694	ALTMAN, CARL E.	
	Examiner	Art Unit	
	Matthew J. Daniels	1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-12,14-21,23-25,28 and 29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-12,14-21,23-25,28 and 29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1, 3-12, 14-21, 23-25, 28,and 29 are pending in this case. Claims 28 and 29 are new, and Claims 2, 13, 22, 26, and 27 were cancelled.

Claim Objections

2. The objection to Claim 1 is withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claim 28** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation of "at least about 1.5:1" in part c of this claim does not appear to have support in the specification as originally filed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 1 and 3-12** are rejected under under 35 U.S.C. 103(a) as obvious over Mizuno (USPN 5833070) in view of Choy (Polymer, Vol. 21 (5), May 1980, pages 569-576) and Khanna (Polymer, Vol. 32 (11), 1991, pages 2010-2013). **As to Claim 1**, Mizuno teaches:

a) extruding molten PCTFE polymer (Column 5)

b) cooling the PCTFE polymer to a temperature below its melting point to form a film that is crystalline (6:1-5, crystalline content is inherent in that the film is still crystalline after stretching, see 4:53-58)

c) orienting the PCTFE film while in its crystalline state by stretching the film at a stretch ratio of at least about 1.5:1 while holding the film under tension and (See areal stretch ratio of 3 times, 6:7-10, which is inherently at least 1.5 in biaxial stretching, greater in uniaxial stretching)

d) wherein the resulting film has a water vapor transmission rate of less than about 0.775 g/meter squared/day (See 3:10-15 for % crystallinity, ratio shown in 3:17-18, and 4:59-67). In particular, see Mizuno's teaching of the formula (3:17-18) that B/(100-A) is less than or equal to 3.0. By the Examiner's calculation, Mizuno's teaching of A (% crystallinity) being 15 to 75% provides the following teachings about the permeability:

B/(100-A) is less than or equal to 3.0 (See Mizuno, 3:17-18)

A is percent crystallinity (3:13-14)

B is **mg**/square meter * day (3:14-15)

When A = **15%** crystallinity (3:13-14), then B/(100-15) is less than or equal to 3.0

Therefore, B is less than or equal to 3.0 * (100-15) = 3.0 * 85 = 255 **mg**/square meter day

Therefore, B is less than or equal to 0.255 **g**/square meter day, anticipating the resulting PCTFE water vapor transmission rate
B/(100-A) is less than or equal to 3.0 (See Mizuno, 3:17-18) A is percent crystallinity (3:13-14) B is **mg**/square meter * day (3:14-15) When A = **75%** crystallinity (3:13-14), then B/(100-75) is less than or equal to 3.0 Therefore, B is less than or equal to 3.0 * (100-75) = 3.0 * 25 = 75 **mg**/square meter day Therefore, B is less than or equal to 0.075 **g**/square meter day, anticipating the resulting PCTFE water vapor transmission rate

Mizuno does not explicitly teach the limitation that the film has a crystallinity from about 10 to about 45% prior to orienting the film (parts b and c of Claim 1). However, in this respect, Mizuno clearly suggests and finds it desirable to quench the sheet after extrusion to suppress crystallization, which facilitates the stretching thereof (Mizuno, 6:2-6).

Khanna teaches that when polychlorotrifluoroethylene samples are quenched, they contain 15% (Page 2013, left column "D.s.c of a quenched copolymer...") to 50% (Page 2012, right column, Differential Scanning Calorimetry) crystallinity despite the quenching process.

Additionally, Choy teaches that quenching a sample produces produces 39% crystallinity (Page 572, right column, Mechanical anisotropy of drawn materials, and Page 569, right column).

Mizuno teaches that it is desirable to quench the sample to suppress crystallinity to facilitate stretching. However, the additional references cited teach that even when a PCTFE

sample is quenched, that it still contains 15% to 50% crystallinity. It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the methods of Khanna and Choy into that of Mizuno because Mizuno specifically suggests suppressing crystallinity, and Khanna and Choy teach that crystallinity can only be suppressed to a level of 15% to 50%, within the claimed range.

As to Claim 3, it was presented in the rejection of Claim 1 that Mizuno teaches that it is desirable to suppress crystallinity by quenching. The disclosures of Khanna and Choy were also presented to show that despite quenching a PCTFE sample, that 15% to 50% crystallinity is still found in the sample. These values encompass the claimed range. **As to Claims 4 and 5**: See 4:41-42. **As to Claims 6 and 7**: See 6:7-10 which teaches all areal stretching ratios between 3 and 64 times. **As to Claims 8 and 9**: See 3:10-15 for % crystallinity, ratio shown in 3:17-18, and 4:59-67. **As to Claim 10**, Mizuno teaches that the stretch affect produces a portion of the water-proofness (4:59-67), and therefore it would have been obvious to expect a decrease in the water vapor transmission rate when comparing Mizuno's stretched and unstretched films. Although silent to the 20% sought by the instant claims, it would have been obvious to expect at least a 20% decrease in water vapor transmission by stretching. **As to Claims 11 and 12**: See Column 6, particularly 6:16-23.

5. **Claims 14-25** are rejected under under 35 U.S.C. 103(a) as obvious over Mizuno (USPN 5833070) in view of Choy (Polymer, Vol. 21 (5), May 1980, pages 569-576) and Khanna (Polymer, Vol. 32 (11), 1991, pages 2010-2013), and further in view of DeAntonis (USPN 4677017). **As to Claim 14**, Mizuno teaches:

a) extruding molten PCTFE polymer (Column 5)

b) cooling the PCTFE polymer to a temperature below its melting point to form a film that is crystalline (6:1-5, crystalline content is inherent in that the film is still crystalline after stretching, see 4:53-58)

c) orienting the PCTFE film while in its crystalline state by stretching the film at a stretch ratio of at least about 1.5:1 (See areal stretch ratio of 3 times, 6:7-10, which is inherently at least 1.5:1 in biaxial stretching, greater in uniaxial stretching) with draw rolls (6:24-25) which would have inherently had at least one faster roller and one slower roller to produce uniaxial drawing

d) collecting the oriented film would have been inherent or obvious in that the film is used to form a packaged product (11:8-10), wherein the resulting film has a water vapor transmission rate of less than about 0.775 g/meter squared/day (See 3:10-15 for % crystallinity, ratio shown in 3:17-18, and 4:59-67). In particular, see Mizuno's teaching of the formula (3:17-18) that B/(100-A) is less than or equal to 3.0. By the Examiner's calculation, Mizuno's teaching of A (% crystallinity) being 15 to 75% provides the following teachings about the permeability:

B/(100-A) is less than or equal to 3.0 (See Mizuno, 3:17-18) A is percent crystallinity (3:13-14) B is **mg**/square meter * day (3:14-15) When A = **15%** crystallinity (3:13-14), then B/(100-15) is less than or equal to 3.0 Therefore, B is less than or equal to 3.0 * (100-15) = 3.0 * 85 = 255 **mg**/square meter day Therefore, B is less than or equal to 0.255 **g**/square meter day, anticipating the resulting PCTFE water vapor transmission rate
B/(100-A) is less than or equal to 3.0 (See Mizuno, 3:17-18)

A is percent crystallinity (3:13-14)

B is **mg**/square meter * day (3:14-15)

When A = **75%** crystallinity (3:13-14), then B/(100-75) is less than or equal to 3.0

Therefore, B is less than or equal to 3.0 * (100-75) = 3.0 * 25 = 75 **mg**/square meter day

Therefore, B is less than or equal to 0.075 **g**/square meter day, anticipating the resulting PCTFE water vapor transmission rate

Mizuno is silent to the casting roll, and does not explicitly teach the limitation that the film has a crystallinity from about 10 to about 45% prior to orienting the film (parts b and c of Claim 14).

However, casting rolls were known and obvious in the art at the time of the invention. For example, DeAntonis teaches casting onto a casting roller (9:10-12). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of DeAntonis into that of Mizuno in order to produce a clear film having a uniform appearance (9:24-26), and additionally to produce rapid temperature adjustment.

As to the crystallinity, Mizuno clearly suggests and finds it desirable to quench the sheet after extrusion to suppress crystallization, which facilitates the stretching thereof (Mizuno, 6:2-6). Khanna teaches that when polychlorotrifluoroethylene samples are quenched, they contain 15% (Page 2013, left column "D.s.c of a quenched copolymer...") to 50% (Page 2012, right column, Differential Scanning Calorimetry) crystallinity despite the quenching process. Additionally, Choy teaches that quenching a sample produces produces 39% crystallinity (Page 572, right column, Mechanical anisotropy of drawn materials, and Page 569, right column).

Therefore, Mizuno teaches that it is desirable to quench the sample to suppress crystallinity to facilitate stretching. However, the additional references cited teach that even when a PCTFE sample is quenched, that it still contains 15% to 50% crystallinity.

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the methods of DeAntonis, Khanna, and Choy into that of Mizuno in order to produce a clear film having a uniform appearance (DeAntonis, 9:24-26), and additionally to produce rapid temperature adjustment, and because Mizuno specifically suggests suppressing crystallinity, and Khanna and Choy teach that crystallinity can only be suppressed to a level of 15% to 50% when quenching a sample, values that are within the claimed range. Mizuno, DeAntonis, Khanna, and Choy additionally teach the following:

Claim 15: See DeAntonis, 9:14

Claims 16 and 17: See DeAntonis, 9:10-12

Claims 18 and 19: See Mizuno, 6:8-11. It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to perform drawing with draw rolls maintained at these temperatures in the combined method

Claims 20 and 21: See Mizuno, 6:7-10, which teaches all areal stretching ratios between 3 and 64 times, encompassing the claimed stretch ratios in either uniaxial or biaxial stretching

Claim 23: it was presented in the rejection of Claim 14 that Mizuno teaches that it is desirable to suppress crystallinity by quenching. The disclosures of Khanna and Choy were also presented to show that despite quenching a PCTFE sample, that 15% to 50% crystallinity is still found in the sample. These values encompass the claimed range. See the citations to Khanna and Choy from Claim 14.

Claims 24 and 25: See Mizuno, 4:41-42

6. **Claims 28-29** are rejected under under 35 U.S.C. 103(a) as obvious over Mizuno (USPN 5833070) in view of Choy (Polymer, Vol. 21 (5), May 1980, pages 569-576) and Khanna (Polymer, Vol. 32 (11), 1991, pages 2010-2013), and further in view of DeAntonis (USPN 4677017). **As to Claim 28**, it is noted that this claim contains substantially the same method limitations as set forth in Claim 14, with the additional new limitation that the process is continuous and "without winding up said PCTFE polymer film." However, it has been held that the difference between a batch process and a continuous process is prima facie obvious. See MPEP 2144.04(III)(E) and *In re Dilnot*, 319 F.2d 188, 138 USPQ 248 (CCPA 1963) (Claim directed to a method of producing a cementitious structure wherein a stable air foam is introduced into a slurry of cementitious material differed from the prior art only in requiring the addition of the foam to be continuous. The court held the claimed continuous operation would have been obvious in light of the batch process of the prior art.).

Additionally, it is unclear how Mizuno's process is purported to be a batch process having a winding operation. Therefore, the Examiner submits that Mizuno teaches the following:

a) extruding molten PCTFE polymer (Column 5)

b) cooling the PCTFE polymer to a temperature below its melting point to form a film that is crystalline (6:1-5, crystalline content is inherent in that the film is still crystalline after stretching, see 4:53-58)

c) orienting the PCTFE film while in its crystalline state by stretching the film at a stretch ratio of at least about 1.5:1 (See areal stretch ratio of 3 times, 6:7-10, which is inherently at least 1.5:1 in biaxial stretching, greater in uniaxial stretching) with draw rolls (6:24-25) which would have inherently had at least one faster roller and one slower roller to produce uniaxial drawing

d) collecting the oriented film would have been inherent or obvious in that the film is used to form a packaged product (11:8-10), wherein the resulting film has a water vapor transmission rate of less than about 0.775 g/meter squared/day (See 3:10-15 for % crystallinity, ratio shown in 3:17-18, and 4:59-67). In particular, see Mizuno's teaching of the formula (3:17-18) that B/(100-A) is less than or equal to 3.0. By the Examiner's calculation, Mizuno's teaching of A (% crystallinity) being 15 to 75% provides the following teachings about the permeability:

B/(100-A) is less than or equal to 3.0 (See Mizuno, 3:17-18) A is percent crystallinity (3:13-14) B is **mg**/square meter * day (3:14-15) When A = **15%** crystallinity (3:13-14), then B/(100-15) is less than or equal to 3.0 Therefore, B is less than or equal to 3.0 * (100-15) = 3.0 * 85 = 255 **mg**/square meter day Therefore, B is less than or equal to 0.255 **g**/square meter day, anticipating the resulting PCTFE water vapor transmission rate
B/(100-A) is less than or equal to 3.0 (See Mizuno, 3:17-18) A is percent crystallinity (3:13-14) B is **mg**/square meter * day (3:14-15) When A = **75%** crystallinity (3:13-14), then B/(100-75) is less than or equal to 3.0 Therefore, B is less than or equal to 3.0 * (100-75) = 3.0 * 25 = 75 **mg**/square meter day

Therefore, B is less than or equal to 0.075 g/square meter day, anticipating the resulting PCTFE water vapor transmission rate

Mizuno is silent to the casting roll, and does not explicitly teach the limitation that the film has a crystallinity from about 10 to about 45% prior to orienting the film (parts b and c of Claim 14).

However, casting rolls were known and obvious in the art at the time of the invention. For example, DeAntonis teaches casting onto a casting roller (9:10-12). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of DeAntonis into that of Mizuno in order to produce a clear film having a uniform appearance (9:24-26), and additionally to produce rapid temperature adjustment.

As to the crystallinity, Mizuno clearly suggests and finds it desirable to quench the sheet after extrusion to suppress crystallization, which facilitates the stretching thereof (Mizuno, 6:2-6). Khanna teaches that when polychlorotrifluoroethylene samples are quenched, they contain 15% (Page 2013, left column "D.s.c of a quenched copolymer...") to 50% (Page 2012, right column, Differential Scanning Calorimetry) crystallinity despite the quenching process. Additionally, Choy teaches that quenching a sample produces produces 39% crystallinity (Page 572, right column, Mechanical anisotropy of drawn materials, and Page 569, right column). Therefore, Mizuno teaches that it is desirable to quench the sample to suppress crystallinity to facilitate stretching. However, the additional references cited teach that even when a PCTFE sample is quenched, that it still contains 15% to 50% crystallinity.

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the methods of DeAntonis, Khanna, and Choy into that of Mizuno in order to produce a clear film having a uniform appearance (DeAntonis, 9:24-26), and additionally to produce rapid temperature adjustment, and because Mizuno specifically suggests suppressing crystallinity, and Khanna and Choy teach that crystallinity can only be suppressed to a level of 15% to 50% when quenching a sample, values that are within the claimed range. **As to Claim 29**, Mizuno clearly teaches that draw ratio is a result effective variable (6:7-15). One of ordinary skill would have been motivated and found it prima facie obvious to optimize the draw ratio in order to impart a particular moisture permeability or tactile feel to the sheet (4:53-58). See MPEP 2144.05 II and *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). Additionally, it should also be noted that Choy teaches draw ratios of *1 to 3* (Figure 1, page 570), and also appear to disclose draw ratio as being a result-effective variable that one of ordinary skill would have optimized.

Response to Arguments

7. Applicant's arguments filed 7 November 2005 have been fully considered but they are not persuasive. The arguments appear to be on the following grounds:

a) (Page 10) It is submitted that the melt-extruded film of Mizuno, prior to extrusion, is an amorphous film like that of Levy, rather than a crystalline film. Column 6, lines 2-5 states that the resin is preferably cooled to suppress crystallization. By suppressing the crystallization, the film would be amorphous, rather than crystalline.

b) The preferred range of 10% to 45% crystallinity has been inserted into the independent claims. Mizuno does not teach that the crystallinity, prior to stretching, is 10-45%.

c) It is not seen where Mizuno teaches the claimed water vapor transmission rates

d) (Page 11) The orientation process increases the crystallinity of the film, so the end crystallinity level cannot be used to determine the crystallinity level of the film before stretching.

e) With regard to Claim 10, it was concluded in the rejection that it would have been obvious to expect a decrease. However, there is no support for this conclusion

f) (Page 12) There is no suggestion of orienting a PCTFE film in its crystalline state, and certainly no suggestion of orienting at 10-45%

g) (Page 13) The new claims 28 and 29 are even further removed from the prior art because the stretching step is done in-line.

8. These arguments are not persuasive for the following reasons:

a and b) The Examiner respectfully disagrees with the Applicant's remarks regarding the prior state of the film of Mizuno. Two additional references are cited to show that even when melted samples of PCTFE are quenched, that the result is not an amorphous sample, but has instead a percent crystallinity of 15% to 50%. Mizuno's teaching of suppressing crystallinity does teach that crystallinity was avoided, but only that suppression is desirable. Choy and Khanna teach that the highest degree of suppression that could be expected or reasonably achieved is in the claimed range of 15% to 50%, and the Examiner submits that this is the level of crystallinity that would have obviously or inherently existed in Mizuno's film.

c) Further explanation of the vapor transmission rates has been provided in the rejections. The relationship between percent crystallinity and vapor transmission should also be noted. By teaching that vapor transmission is dependent on crystallinity, and that crystallinity can be varied (4:56-58, for example), crystallinity and vapor transmission appear to represent result-effective variables that can be optimized. Additionally, it should be noted that this limitation is an article limitation, and a method is claimed in this case. The Examiner submits that the particular vapor transmission rate is found in the reference's teachings, and in the alternative, that the particular vapor transmission rate would not distinguish the claimed vapor transmission rate because this is a quantity that the ordinary artisan would optimize through routine experimentation with the percent crystallinity (See 4:53-58).

d) The Examiner submits that orientation would not, by itself, increase the percentage crystallinity. However, this point is also believed to be moot in view of the new references supporting the rejection and the particular percent crystallinity claimed.

e) By teaching that vapor transmission is dependent on crystallinity and orientation, and that both of these process variables can be changed (4:56-58 and 6:7-10, for example) to reduce or change vapor transmission rates, crystallinity and orientation appear to represent result-effective variables that can be optimized according to the desired tactile characteristics or moisture permeability of the film (4:53-58). Additionally, it should be noted that this limitation is an article limitation, and is not directed to a process limitation.

f) The Examiner submits that the references cited in the rejections are believed to address the remarks. In particular, the references teach that in quenching a PCTFE sample to suppress

crystallinity, one of ordinary skill would have found it prima facie obvious to expect approximately 15% to 50% crystallinity, even in a quenched sample.

g) In response to the Applicant's argument that Claims 28 and 29 are distinguished from the prior art by claiming that the process is performed in-line, or continuously, it has been held that a claim directed to process steps disclosed in the prior art performed in a continuous manner does not distinguish over the prior art. See MPEP 2144.04(III)(E) and *In re Dilnot*, 319 F.2d 188, 138 USPQ 248 (CCPA 1963) (Claim directed to a method of producing a cementitious structure wherein a stable air foam is introduced into a slurry of cementitious material differed from the prior art only in requiring the addition of the foam to be continuous. The court held the claimed continuous operation would have been obvious in light of the batch process of the prior art.).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Daniels whose telephone number is (571) 272-2450. The examiner can normally be reached on Monday - Friday, 7:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJD 1/17/06

MJD

MICHAEL P. COLAIANNI
SUPERVISORY PATENT EXAMINER